

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to claim 36 because "A clip" and should read --The Clip--. In response, claim 36 has been amended as suggested by the Examiner.

Accordingly, it is respectfully requested that the objection to claim 36 be withdrawn.

In the Official Action, the Examiner rejects claims 23-27, 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0177861 to Sugiyama et al., (hereinafter "Sugiyama") in view of U.S. Patent No. 5,766,189 to Matsuno et al., (hereinafter "Matsuno"). Additionally, the Examiner rejects claims 29-32, 34, 35, 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Sugiyama in view of U.S. Patent Application Publication No. 2002/0026201 to Foerster et al., (hereinafter "Foerster").

In response, the Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 103(a) for at least the reasons set forth below. However, independent claim 23 has been amended to clarify its distinguishing features. Specifically, claim 23 has been amended to recite:

wherein the junction is pliable enough to follow substantial bending deformation of the insertion tube, such that movement in the tube is not hindered by the bending deformation, and the junction includes a looped flexible wire of a predetermined length, one end of which is coupled with the clip and a coupling member connected to the flexible wire, the coupling member has a deformable portion coupling with the other end of the looped flexible wire and a rigid portion which supports the deformable portion and is connected to the flexible wire, the

deformable portion being deformable to release the looped flexible wire, by pulling the flexible wire, and the looped flexible wire having a length between the clip and the deformable member such that when one end of the looped flexible wire engaged with the clip is entirely released from the distal end portion of the flexible insertion tube, the coupling member does not enter the curved portion of the flexible insertion tube.

The amendment to claim 23 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claim 23.

As to independent claims 23, 37 and 38:

Sugiyama, as admitted by the Examiner, does not teach a “coupling member having a deformable portion.” In Sugiyama, the clip 110 is disengaged from the open-close hook 134 by moving the outer sheath laterally as described in paragraph [0160] thereof. In other words, the technical concept of releasing the clip by manipulating the operating wire 131 is not disclosed or suggested in Sugiyama.

In the clip manipulating devices of independent claims 23, 37 and 38, the flexible wire is pulled to deform the deformable portion, thereby releasing the looped flexible wire. In this manner, the releasing operation is simple and reliable.

With the operation of laterally moving the outer sheath as in Sugiyama, the above mentioned advantageous effects of the clip manipulating devices of independent claims 23, 37 and 38 cannot be obtained.

At page 3, lines 11 to 15 of the Office Action, the Examiner argues “the looped flexible wire having a length ... and the deformable member ... one end of the looped flexible wire ... does not enter the curved portion...”

The Applicant respectfully disagrees at least because (1) the open-close hook 134 of Sugiyama is not deformable. Thus, Sugiyama does not disclose or suggest “a deformable member” and (2) FIG. 46 of Sugiyama teaches that the clip 110 is located within the tube 130. From this figure, it is understood that when the clip 110 projects out in its entirety from the tube 130, the open-close hook 134 is located at the bended portion of the tube 130. In other words, the string 115 does not have such a length as that of the looped flexible wire as recited in the clip manipulating devices of independent claims 23, 37 and 38.

Further, in Sugiyama, the open-close ring 120 is disposed between the open-close hook 134 and the clip. Here, such a large strength and a high rigidity of the tube 150 are required in order to bend such a member. In FIG. 46, the open-close ring 120 is bent without contacting the tube; however, in practice, the ring cannot be bent without firmly abutting the tube.

Matsuno teaches the deformable coupling 2 having deformable hook portion 3A. However, the hook portion 3A serves to support the clip directly. Thus, Matsuno does not disclose or suggest the technical concept of using a looped flexible wire. Therefore, naturally, Matsuno does not disclose or suggest increasing the distance between the clip and hook portion.

As described above, those of ordinary skill in the art would not look to the above-discussed references to combine the same to achieve the invention recited in the clip manipulating device of independent claim 23.

Independent claim 23 has been amended as discussed above to clarify the distinguishing features discussed above.

As to independent claims 29, 35 and 39:

Sugiyama does not disclose or suggest the feature of “bend up substantially 90 degrees by a forceps raising device” as argued by the Examiner at, page 5, line 6 of the Official Action.

In addition, the clip manipulating devices of claims 29, 35 and 39 patentably distinguish over Sugiyama as described above.

Foerster is directed to a technique of marking, which belongs to a different field from that of the clip manipulating devices of claims 29, 35 and 39.

In Foerster, the tube 54 is bent, but such bending is different from that of the clip manipulating devices of claims 29, 35 and 39 in not only object but also location.

Further, the center wire 18a of Foerster extends from the proximal end of the tube 54a to the distal end thereof. With this structure, for each operation, the broken center wire is replaced with a new one and such wire must be put through the tube. The clip manipulating devices of claims 29, 35 and 39 are free such drawbacks.

Thus, for at least the above-stated reasons, the Applicant respectfully submits that claims 23-27, 29-32 and 34-39 are patentable over the cited references.

Withdrawal of the Examiner’s rejections of claims 23-27, 29-32 and 34-39 under 35 U.S.C. §103(a) is respectfully requested.

Furthermore, new claims 40 and 41 have been added to further define the patentable invention. New claims 40 and 41 are fully supported in the original disclosure, such as at page 33 of the specification and Figures 21 and 22 of the Drawings. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 40 and 41. The Applicant respectfully submits that new claims 40 and 41 are at least allowable as

depending upon an allowable base claim (23). Furthermore, the features recited in claims 40 and 41 are not disclosed or suggested in the prior art. Such features result in advantages also not disclosed or suggested in the prior art. Namely, the clip manipulating devices of claims 40 and 41 can be easily applied to clips of various rigidities simply by replacing the removable anchor portion (without having to replace the entire coupling member).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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